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Attorneys for Defendants/Counterclaimant

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

NEVADA CONTROLS, LLC, a Nevada
Limited Liability Company,

Plaintiff,

v.

WIND PUMP POWER, LLC, a Kansas
Limited Liability Company,
SUNFLOWER WIND, LLC, a Kansas
Limited Liability Company; DAN
RASURE, an individual,

Defendants.

Case No. 3:12-cv-00068

WIND PUMP POWER, LLC, a Kansas
Limited Liability Company,

Counterclaimant,

v.

NEVADA CONTROLS, LLC, a Nevada
Limited Liability Company,

Counterdefendant.

MOTION TO WITHDRAW

Parsons Behle & Latimer ("Defendants'/Counterclaimant's Counsel") respectfully
submits this motion, pursuant to LR 10-6 of the United States District Court for the District of

1 Nevada, to withdraw as counsel of record for Defendants Wind Pump Power, LLC, Sunflower
2 Wind, LLC and Dan Rasure and Counterclaimant Wind Pump Power (collectively "WPP") and
3 respectfully represents as follows:

4 **STATEMENT OF RELEVANT FACTS**

5 Nevada Controls, LLC, ("Nevada Controls") commenced this action by filing a complaint,
6 on February 3, 2012 against WPP. (Civil Docket, Document # 1.) Parsons Behle is a Nevada
7 firm that has made an appearance on behalf of WPP, and is admitted to appear and practice before
8 this Court. WPP filed an Answer and Counterclaim on March 23, 2012. (Doc # 12.) A reply to
9 the Counterclaim was filed by Nevada Controls on March 29, 2012. (Doc # 14.)
10

11 Discovery has just recently begun in this case and the parties have filed a Stipulated
12 Discovery Plan and [Proposed] Scheduling Order, which was entered by the Court on May 3,
13 2012. (Doc # 18.) This Order recognizes that both parties have exchanged their initial disclosures
14 pursuant to Fed. R. Civ. P. 26(a)(1). The Honorable Magistrate Judge Valerie P. Cooke entered a
15 Minute Order in chambers on May 2, 2012, which set a Case Management Conference for June
16 14, 2012, at 11:00 AM, and directed that the parties shall jointly file a case management report by
17 no later than the close of business on Tuesday, June 5, 2012. (Doc # 17.)
18

19 Conflicts, as described in subsections 5 and 6 of Nevada Rule of Professional Conduct
20 1.16, have arisen that impair the attorney-client relationship and communications between
21 Parsons Behle and WPP. (Affidavit of Michael Kealy in Support of Motion to Withdraw ¶ 3.)
22 An Order permitting Parsons Behle to withdraw and/or be substituted out as counsel is warranted.
23 Counsel for WPP has given WPP reasonable notice that a substitution of counsel is appropriate
24 and necessary, and has instructed WPP that it will move to withdraw as counsel of record in this
25 matter unless WPP is able to secure new counsel that may be substituted in as counsel of record.
26 (Kealy Affidavit ¶ 4.)
27
28

ARGUMENT

The standard for the withdrawal of counsel in Nevada is governed by Local Rule of Practice for the United States District Court for the District of Nevada (LR) 10-6(b), which states that:

No attorney may withdraw after appearing in a case except by leave of court after notice served on the affected client and opposing counsel.

In addition, subsections (d) and (e) of LR 10-6 state that:

(d) Discharge, withdrawal or substitution of an attorney shall not alone be reason for delay of pretrial proceedings, discovery, the trial, or any hearing in the case.

(e) Except for good cause shown, no withdrawal or substitution shall be approved if delay of discovery, the trial or any hearing in the case would result. Where delay would result, the papers seeking leave of court for the withdrawal or substitution must request specific relief from the scheduled trial or hearing. If a trial setting has been made, an additional copy of the moving papers shall be provided to the clerk for immediate delivery to the assigned district judge, bankruptcy judge or magistrate judge.

Counsel for WPP has shown satisfactory reasons for withdrawal from this case based on conflicts that have arisen during the representation. Moreover, now that the initial pleadings have been filed and the parties' respective initial disclosures have been made, this motion to withdraw as counsel for WPP will not substantially delay discovery, trial or any hearing in the case.

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CONCLUSION

For the foregoing reasons, the Court should grant Parson Behle & Latimer's motion to withdraw as counsel or record for WPP in this case.

Respectfully submitted this ^{11th}/_{4th} day of May, 2012.

PARSONS BEHLE & LATIMER


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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the law firm of Parsons Behle & Latimer and that on the 11th day of May, 2012, I filed a true and correct copy of the foregoing **MOTION TO WITHDRAW** with the Clerk of the Court through the Court's CM/ECF system, which sent electronic notification to the following:

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